

1       **Proposed Changes to Title 14 CCR California Forest Practice Rules**  
2       **Protection of Threatened or Impaired Watershed Values Extension, 2008**

3                               **Notice Published April 11, 2008**  
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6       **Amend § 895.1. Definitions.**

7       **\*\*\*\*\*Yarding** means the movement of forest products from the poi9nt of  
8       felling to a landing.

9       The amendments to 14 CCR § 895.1 adopted on March 15, 2000 and  
10      April 4, 2000, which became effective July 1, 2000, shall expire on  
11      December 31, ~~2008~~2009.

12      Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,  
13      4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.  
14      Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,  
15      4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and  
16      21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed  
17      following Section 15387 of Title 14 Cal.Code of Regulations), and  
18      *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

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20       **Amend § 898 Feasibility Alternatives**

21       \*\*\*\*\*The Director's evaluation of such impacts and mitigation  
22       measures will be done in consultation with the appropriate RWQCB.

23       (a) The amendments to 14 CCR § 898 that became effective July 1,  
24       2000, shall expire on December 31, ~~2008~~2009.

25       Note: Authority cited: Sections 4551 and 4553, Public Resources Code.  
Reference: Sections 4512, 4513, 4551.5, and 4582.75, Public Resources  
Code; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr.  
82.

26       **Amend § 914.8[934.8, 954.8] Tractor Road Watercourse Crossing**

27       \*\*\*\*\* (f) Consistent with the protection of water quality,  
28       exceptions may be provided through the Fish and Game Code and shall be  
29       indicated in the plan.

1 (g) The amendments to 14 CCR §§ 914.8, 934.8, and 954.8 that  
2 became effective July 1, 2000, shall expire on December 31, ~~2008~~2009.

3 Note: Authority cited: Sections 4551, 4551.5, and 4553, Public  
4 Resources Code. Reference: Sections 4512, 4513, 4527, 4562.5, 4562.7,  
5 and 4582, Public Resources Code.

6 **Amend § 916 [936, 956] Intent of Watercourse and Lake Protection.**

7  
8 \*\*\*\*\* (d) The measures set forth in this Section are meant to  
9 enforce the public's historical and legal interest in protection for  
10 wildlife, fish, and water quality and are to be used to guide  
11 timberland owners in meeting their legal responsibilities to protect  
12 public trust resources.

13 (e) The amendments to 14 CCR §§ 916 [936, 956] that became  
14 effective July 1, 2000 shall expire on December 31, ~~2008~~2009.

15 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
16 Resources Code. Reference: Sections 4512, 4513, 4551.5, 4552, 4562.5,  
17 4562.7, 21001(b), (f), 21002 and 21002.1, Public Resources Code; and  
18 Sections 100, 1243, 1243.5, 13001, 13050(f), 13146 and 13147, Water  
19 Code.

20 **Amend § 916.2 [936.2, 956.2] Protection of the Beneficial Uses of**  
21 **Water and Riparian Functions.**

22  
23 \*\*\*\*\* (c) When the protective measures contained in 14 CCR 916.5  
24 [936.5, 956.5] are not adequate to provide protection to beneficial  
25 uses, feasible protective measures shall be developed by the RPF or  
proposed by the Director under the provisions of 14 CCR 916.6 [936.6,  
956.6], Alternative Watercourse and Lake Protection, and incorporated  
in the plan when approved by the Director.

(d) The amendments to 14 CCR ~~§§~~ 916.2 [936.2, 956.2] that became  
effective July 1, 2000 shall expire on December 31, ~~2008~~2009.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
Resources Code. Reference: Sections 751, 4512, 4513, 4551.5,  
21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100,

1 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and  
2 Game Code.

3 **Amend § 916.9 [936.9, 956.9] Protection and Restoration in Watersheds**  
4 **with Threatened or Impaired Values.**

5 \*\*\*\*\* (x) The provisions of 14 CCR 916.9 [936.9, 956.9] shall not  
6 apply to a plan that is subject to an incidental take permit based  
7 upon an approved Habitat Conservation Plan that addresses anadromous  
8 salmonid protection.

9 (y) This section shall expire on December 31, ~~2008~~2009.

10 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
11 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5,  
12 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100,  
13 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and  
14 Game Code.

15 **Amend § 916.11 [936.11, 956.11] Effectiveness and Implementation**  
16 **Monitoring**

17 (a) Where timber operations will be conducted within a WLPZ,  
18 the Director may require a post-harvest evaluation of the  
19 effectiveness of the mitigations and practices designed to protect the  
20 watercourse(s) or lake(s) as a condition of plan approval. The  
21 Director shall require such an evaluation if the necessity for the  
22 evaluation is supported by substantial evidence in the record. This  
23 evidence may include, but is not limited to, potential land failures,  
24 accelerated rate of road construction or harvesting within a  
25 watershed, concentration or intensity of harvesting activity near  
watercourses, and potential for accelerated windthrow. The design and  
implementation of the  
evaluation shall be done in consultation with the Director, the RWQCB  
or DFG, and THP submitter, and the sufficiency of the information  
requested by the Director shall be judged in light of reasonableness  
and practicality. The evaluation may utilize procedures including,  
but not limited, to:

(1) Procedures for effectiveness and implementation  
monitoring,

(2) Existing landowner monitoring programs, or

(3) Photographic monitoring

(b) This section shall expire on December 31, ~~2008~~2009.

24 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
25 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5,  
21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100,  
1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and  
Game Code.

1 **Amend § 916.12 [ 936.12, 956.12] Section 303(d) Listed Watersheds**

2 \*\*\*\*\* (e) The watershed specific rules shall remain in effect  
3 until the water body has been removed from the 303(d) list, or that  
4 the Board finds, after consulting with the appropriate RWQCB, that  
5 timber operations are no longer a significant source of the pollutant  
6 or stressor that limits water quality in the listed water body.

7 (f) This section shall expire on December 31, ~~2008~~2009.

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9 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public  
10 Resources Code. Reference: Sections 751, 4512, 4513, 4551.5,  
11 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100,  
12 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and  
13 Game Code.

14 **Amend § 923.3 [943.3, 963.3] Watercourse Crossings**

15 \*\*\*\*\* (g) Any new permanent culverts installed within class I  
16 watercourses shall allow upstream and downstream passage of fish or  
17 listed aquatic species during any life stage and for the natural  
18 movement of bedload to form a continuous bed through the culvert and  
19 shall require an analysis and specifications demonstrating conformance  
20 with the intent of this section and subsection.

21 (h) The amendments to 14 CCR §§ 923.3 [943.3, 963.3] that became  
22 effective July 1, 2000, shall expire on December 31, ~~2008~~2009.

23 Note: Authority cited: Sections 4551, 4551.5, and 21004, Public  
24 Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5  
25 and 4562.7, Public Resources Code; 40 CFR 130.2(q); and California  
Case Law: *Natural Resources Defense Council, Inc. v. Arcata Natl.*  
*Corp.* (1972) 59 Cal. App. 3d 959, 131 Cal Rptr. 172.

26 **Amend § 923.9 [943.9, 963.9] Roads and Landings in Watersheds with  
27 Threatened or Impaired Values.**

28 \*\*\*\*\* (f) The provisions of 14 CCR 923.9 [943.9, 963.9] shall not  
29 apply to a plan that is subject to an incidental take permit based  
30 upon an approved Habitat Conservation Plan that addresses anadromous  
31 salmonid protection.

32 (g) This section shall expire on December 31, ~~2008~~2009.

33 Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and  
34 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513,  
35 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b) and 21002.1, Public

Resources Code; Sections 100, 1243, 13050(f) Water Code; Sections 1600 and 5650(c), Fish and Game Code; and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

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